IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

CRP.No. 36 of 2001(C)

AGAINST THE ORDER DT.21.11.2000 IN LB.462/1973 of TALUK LAND BOARD, PALAKKAD

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REVN. PETITIONERS: CLAIMANT

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1. **SRI.BIJI THOMAS, S/O.GEORGE THOMAS, KANIYAKOVIL HOUSE, KESAVA MENON COLONY, AKATHETHARA, PALAKKAD.**

2. **K.G.JOSEPH, S/O.K.M.GEORGE, KUNNERL PUTHEN VEEDU DHONI, PALAKKAD.**

3. **BENNY JOSEPH, S/O.JOSEPH, KANDUMALA HOUSE, DHONI, PALAKKAD.**

4. **SUSY, D/O.LATE JOSEPH, PLAKKAL HOUSE, DHONI, PALAKKAD.**

5. **P.A. VARGHESE FOR P.V. ANEESH AND P.V. AJEESH (MINORS) PLAKKADAPPIL HOUSE, DHONI, PALAKKAD.**

6. **LEELAMMA THOMAS, W/O.THOMAS, PUTHIYEDATH HOUSE, DHONI , PALAKKAD.**

BY ADV. SRI.K.RAMESH
SRI.N.N.SUGUNAPALAN (SR.)

RESPONDENTS:

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1. **THE TALUK LAND BOARD, REP.BY ITS CHAIRMAN, PALAKKAD.**

2. **THE TAHSILDAR, PALAKKAD.**

3. **STATE OF KERALA REP.BY THE SECRETARY TO GOVERNMENT , TRIVANDRUM.**

4. **SRI.ABRAHAM.J. PUTHIYEDAM (DECLARANT) ANTHINAD P.O. PALAI.**

BY GOVERNMENT PLEADER SMT.R.BINDU
SRI.MATHEWS J.NEDUMPARA

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/05/2007, ALONG WITH CRP NO. 88 OF 2001 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP. NO.81/2001 IN CRP. NO.376/2001

DISMISSED

31.05.2007 **SD/- M.N.KRISHNAN, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

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M.N. KRISHNAN, J.

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C.R.P. NOS. 36 & 88 OF 2001

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Dated this the 31st day of May, 2007.

J U D G M E N T

These revision petitions are preferred against the order of the Taluk Land Board, Palakkad in L.B. Case No.462/73. The learned counsel for the revision petitioners submitted that the transaction involved in this case are clearly protected by the amendment Act 21 of 2006 which came into force on 18th October, 2006. As per S.7(E) of the Amended Act;

> "7E. Certain persons who acquired lands to be deemed tenants - Notwithstanding anything to the contrary contained in Section 74 or Section 84 or in any other provisions of this Act, or in any other law for the time being in force or in any contract, custom or usage, or in any judgment, decree or order of any Court Tribunal or other authority, a person who at the commencement of the Kerala Land Reforms (Amendment) Act, 2005, is in possession of any land, not exceeding four hectares in extent, acquired by him or his predecessors-in-interest by way of purchase or otherwise on payment of consideration from any person holding land in excess of the ceiling area, during the period between the date of the commencement of the

Kerala Land Reforms Act, 1963 (1 of 1964), and the date of commencement of the Kerala Land Reforms (Amendment) Act, 2005 shall be deemed to be a tenant."

Since the contention of the revision petitioners is to the effect that they are protected by S.7E and that they have deemed as tenants then the question if it is accepted, it is submitted that there will not be any land in excess of ceiling area to be surrendered. Therefore, orders passed by the Taluk Land Board is set aside and the matter is remanded back to the Taluk Land Board for consideration whether the parties involved in these cases are entitled to the above protection of S.7E of Act 21 of 2006. Since the revision petitioners are in possession of the property till a final decision is taken under Section 7E, their possession shall not be disturbed. Parties are directed to appear before the Land Tribunal on 12.7.2007.

M.N. KRISHNAN, JUDGE.

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M.N. KRISHNAN, J.

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C.R.P.Nos.36& 88 OF 2001

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O R D E R

31st May, 2007.